

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Jerome B. Simandle

v. : Crim. No. 17-cr-240 (JBS)

NICHOLAS KYLE MARTINO :

ORDER

WHEREAS, upon consideration of Defendant Nicholas Kyle Martino's Motion for a Psychiatric or Psychological Examination to Determine the Mental Competency of the Defendant, pursuant to 18 U.S.C. § 4241(b), the Court hereby finds, consistent with the findings set forth on the record during a status conference held on September 10, 2018, pursuant to 18 U.S.C. § 4241, that there is reasonable cause to believe that the Defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, it is hereby:

ORDERED that Defendant is remanded to the custody of the U.S. Marshals Service to be committed, pursuant to 18 U.S.C. §§

4241(b) and 4247(b), to the custody of the Attorney General, for placement in a suitable facility, designated by the Bureau of Prisons, as soon as possible, for a reasonable period not to exceed thirty (30) days from the date of Defendant's arrival at the designated facility, for the determination of the mental competency of Defendant. The Director of the facility may apply for a reasonable extension, not to exceed fifteen (15) days, upon a showing of good cause that the additional time is necessary to observe and evaluate Defendant. Upon completion of the evaluation, he shall be returned to the Federal Detention Center ("FDC"), Philadelphia by the U.S. Marshals Service and retained in custody pursuant to the Order of Detention entered in this case. *See* Dkt. No. 20.

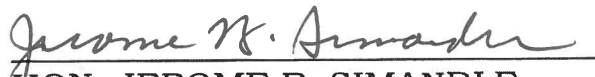
ORDERED that a psychiatric or psychological report must be filed with this Court, pursuant to the provisions of 18 U.S.C. §§ 4241(b) and 4247(b) and (c), with copies provided to counsel for Defendant and to the attorney for the United States, and must include the examiner's findings and opinions as to whether Defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to

understand the nature and consequences of the proceedings against him or to assist properly in his defense.

ORDERED that the U.S. Marshals Service make appropriate arrangements, if need for further placement arises, to transport Defendant to the suitable facility designated by the Bureau of Prisons for purposes of being examined and evaluated as aforesaid in this Order. Upon release from the designated facility, Defendant shall be returned to this District by the U.S. Marshals Service.

ORDERED that counsel for Defendant, upon receipt of a copy of the psychiatric or psychological report on Defendant, contact this Court for purposes of scheduling a status conference on the issue of Defendant's mental competency.

So ORDERED this 17th day of September, 2018.


HON. JEROME B. SIMANDLE
SENIOR U.S. DISTRICT JUDGE
Camden, New Jersey

Form and entry consented to:

/s/ Alyson M. Oswald
ALYSON M. OSWALD
Assistant U.S. Attorney



JOHN O. POINDEXTER, III, Esq.

Counsel for defendant Nicholas Kyle Martino